IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

ALBERT YALE, et al.,)
Plaintiffs, vs.)) Civil Action No. 3:15-cv-403-RJC-DSC
COMMUNITYONE BANK, N.A.,)
Defendant.)))

MEMORANDUM AND ORDER ON COMMUNITYONE BANK, N.A.'S MOTION FOR APPROPRIATE RELIEF

THIS MATTER is before the Court for an award of attorneys' fees and costs pursuant to the January 25, 2016 Memorandum and Order (DE 62) and the parties' associated briefs and exhibits (DE Nos. 54, 57, and 60). This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and is now ripe for consideration. The Court has carefully examined the record, including the February 28, 2018 declaration of T. Richmond McPherson III (DE No. 67).

For the reasons cited in CommunityOne's Motion for Appropriate Relief and supporting briefs, along with the February 28, 2018 declaration of Mr. McPherson, the Court grants Defendant's request for attorneys' fees and costs as outlined below. The Court declines to award paralegal fees.

NOW THEREFORE, IT IS ORDERED:

1. Plaintiffs' counsel, and Plaintiffs William Richards, Edward Estes, IV, Sharon West, Tom Prinsen, Safe Harbor Foundation, Missions to Military Account #1, Thad Claggett, Ned Siegel, and John McFerren, are jointly and severally liable to make payment and shall make

payment to the court reporter for the reporting fees for their nine depositions within ten days of

when those bills were sent to Plaintiffs' counsel by defense counsel, and are also jointly and

severally liable to make payment and shall make payment to Defendant c/o the McGuireWoods

trust account, in the amount of \$31,215.00, which is based upon:

a. \$11,620.00, which represents a portion of the fees CommunityOne incurred

in bringing its Motion for Appropriate Relief.

b. \$19,595.00, which represents a portion of the fees CommunityOne incurred

in preparing for and conducting the depositions of the nine Plaintiffs

2. Plaintiffs' counsel and Plaintiff John McFerren, are jointly and severally liable to

make payment and shall make payment to Defendant c/o the McGuireWoods trust account in the

additional amount of \$2,059.15, which represents some of the fees and costs associated with

defense counsel having to travel to Ohio to take the deposition of Mr. McFerren.

3. Plaintiffs' counsel and the above-identified Plaintiffs are ordered to make the

payments to Defendant within ten days of this Order. Should the above ordered payments not be

made as specified in this Order, those Plaintiffs' claims are subject to dismissal by the Court.

4. The Clerk is directed to send copies of this Memorandum and Order to counsel for

the parties; and to the Honorable Robert J. Conrad, Jr.

SO ORDERED.

Signed: March 2, 2018

David S. Cayer

United States Magistrate Judge